

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10

11 United States of America,

12 Plaintiff,

13 v.

14 Jones et al.,

15 Defendants.
16

No. 3:10-cv-00796-WHA

**STIPULATION TO EXTEND
DEADLINE FOR FORECLOSURE
SALE AND ~~PROPOSED~~ ORDER
THEREON**

17 Plaintiff United States of America and defendant Michelle Yu, by and through their counsel
18 of record, hereby stipulate as follows:

19 1. On January 18, 2011 the Court issued its order granting the Plaintiff's motion for
20 summary judgment in this case and ordering a foreclosure of the government's lien on the real
21 property at issue (742 Great Highway, Unit 3).

22 2. In that order the Court requires (p. 13) that the sale take place and the government file
23 a status report after the sale has occurred, and that such a report be filed no later than March 4, 2011,
24 necessarily meaning, in the absence of some intervening order, that the sale must take place before
25 that date.

26 3. Ms. Yu, the owner of the subject property, continues to wish to resolve this matter
27 without the sale of her home. One of the options under consideration is in some way, whether by
28

1 refinancing the subject property or otherwise, raising the funds to pay the amount the Court has now
2 determined to be amount of government's lien. But with the present order for an immediate sale, it
3 may be that the property would have to be sold before Ms. Yu could secure funds for payment. The
4 urgency is complicated by the fact that Ms. Yu is currently in the Philippines on family business, not
5 returning until January 27, 2011. Finally, counsel for Ms. Yu has been informed that once a
6 foreclosure process has begun (such as by publishing notice of the sale) the refinancing process itself
7 becomes more problematic.

8 5. In the circumstances of this case, the government has no objection to a brief extension
9 of time that might permit resolution of this matter without the necessity to force a sale of Ms. Yu's
10 home.

11 6. This stipulation is not intended to and does not waive or otherwise alter any rights that
12 Ms. Yu might have to seek relief in some other way from the order granting summary judgment.
13

14 WHEREFORE the parties stipulate that the deadline for the government to file a status report
15 regarding the foreclosure sale be moved from Friday, March 4, 2011 to Friday, May 6, 2011, and
16 request that the Court enter this Stipulation as an order of the Court.
17

18 Dated: January 18, 2011

LOGAN & GILES, LLP

19
20
21 By /S/
22 Anthony D. Giles
23 Attorneys For Defendant
24 Michelle Yu
25
26
27
28

1 Dated: January 18, 2011

MELINDA HAAG
United States Attorney

4 /S/

5 Blake Stamm
6 Assistant United States Attorney
7 Tax Division
8 Attorneys for Plaintiff

9 Except that the parties shall please not ask for further extensions,

10 **PURSUANT TO STIPULATION, IT IS SO ORDERED**

11 **Dated:** January 20, 2011.

12 UNITED STATES

